



2133
#8/11-2003
U-Jones

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

OFIR SHAVLI ET AL.

Serial No. 09/858,116 (TI-31012)

RECEIVED

NOV 17 2003

Technology Center 2100

Filed May 15, 2001

For: METHODS FOR DATA PACKET ACQUISITION USING SPLIT PREAMBLE

Art Unit 2133

Examiner Marshall S. Eng

Director of the United States
Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 2231-1450

Sir:

PETITION TO RESCIND OFFICE ACTION

Applicants, through their attorney, hereby petition the Director to rescind the presently outstanding Office action and resend the Office action along with the cited references with a new statutory period for response. No costs are believed to be due, however, should there be any costs, please charge them to Deposit Account No. 20-0668.

The facts are that an Office action was received dated August 13, 2003. The attorney responsible for the subject application resigned very recently and the application was assigned to the undersigned outside counsel less than two weeks ago. Upon review of the file to prepare a response to the Office action, the undersigned noted that the cited references were missing other than the reference listed on page 2 of the Notice of References cited. The undersigned called his secretary in Dallas and requested that she

attempt to locate the cited references. However, there is no indication in the file of assignee that the references were ever received other than the reference noted above and the secretary of the undersigned in Dallas so advised the undersigned. The cited references were not readily available

In view of the above, it is clear that the Office action as mailed was defective and should be mailed with the cited references included and with a new statutory period for response being set.

Respectfully submitted,



Jay M. Cantor
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(301) 424-0355
(972) 917-5293.



CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8 (a)

I certify that the attached document as listed below is being deposited with the United States Postal Services as First Class Mail in an envelope addressed to the Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Petition

11-12-03

Jay M. Cantor

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